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Atty. Dkt. No. 043034-0181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masao SHIMADA
Title: NETWORK INFORMATION
DETECTION APPARATUS
AND METHOD
Appl. No.: 10/802,738
Filing Date: 03/18/2004
Examiner: Frantz B. Jean
Art Unit: 2154
Confirmation Number: 5355

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of March 18, 2008, follows:

In a written opinion dated October 9, 2007, the applicant claims, as a point of difference between Cited Example 1 (Japanese Unexamined Patent Application Publication 2002-335245) and Cited Example 2 (Japanese Unexamined Patent Application Publication H08-147231) presented in the earlier notification of reasons for rejection and the invention of the present application, the point that ARP is used in the first stage of detecting the node address (the detection of the inspection target IP address), and ICMP echo request/response and/or DNS query/response is used in the second stage (detection of IP address of target device).

However, using ARP for IP address detection is described in Japanese Unexamined Patent Application Publication 2001-244945 (see paragraphs (0014) and (0041) through (0043) of said Publication), and using ICMP echo requests and DNS discovery requests for IP address detection is described in Japanese Unexamined Patent Application Publication 2002-190811 (see paragraphs (0024), (0025) and (0027) of said Publication), so this is well known to those skilled in the art, and using ARP in the first stage of detecting the node address and employing ICMP echo requests and DNS discovery requests in the second stage in Cited Example 1 would not go beyond an arrangement to be employed as necessary at one's discretion by a person skilled in the art in consideration of the functions of the inspected node and the like.

Therefore, the applicant's statement cannot be accepted, and the inventions relating to Claims 1 through 11 of the present application could still be easily conceived of by a person skilled in the art based on the description in Cited Examples 1 and 2 and the well-known art.

Document C1 is a U.S. counterpart of Document C3.

Copies of Documents C2, C3 and C5 are not provided as these documents were submitted with Applicant's Information Disclosure Statements of April 30, 2004 and September 5, 2007.

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application. A copy of the Japanese Search Report is attached setting forth the portion of each document considered relevant by the examiner. An English-language counterpart of the foreign-language document has not been provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Applicant's statements regarding the Japanese office action are based on a translation that applicant's representative obtained. These statements should in no way be considered as an agreement by applicants, with or an admission of, what is asserted in the Japanese office action.


Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date: April 15, 2008

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